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Stipulation 8-4-71
Order 8-11-71

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT, IN AND FOR
DUCHESNE COUNTY, STATE OF UTAH

WILLIAM HARRY SEATON, et
al,

Plaintiffs,

-vs-

HUBERT C. LAMBERT, State
Engineer of the State of
Utah,

Defendant.

CENTRAL UTAH WATER CONSERVANCY
DISTRICT,

Intervenor.

STIPULATION FOR ENTRY
OF DECREE

Civil No. 4008

IT IS STIPULATED by and between the parties hereto that a decree may be made and entered in this cause directing the State Engineer of the State of Utah to approve applications set out below as amended, to provide water to the following named persons for irrigation of the indicated acreage of land described in the space set opposite the name of each such person and from the source of supply described:

Name	App. No.	Acreage	Source	Description
Rocky Point Ditch Company	28582 28583 28584 28585 28586 28587 31992	604.6	Rocky Point Ditch	NW $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; Sec. 6, T4S, R 4W; E $\frac{1}{2}$ NW $\frac{1}{4}$; Sec. 36, T3S, R5W; SE $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$; Sec. 31; NW $\frac{1}{2}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32; NE $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 32; SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ Sec. 29; N $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 33; S $\frac{1}{2}$ SW $\frac{1}{4}$;
Rocky Point Ditch Company (successor to Lucius Swasey)	28581			

Name	App. No.	Acreage	Source	Description
Pioneer Canal Company	31043	115.3	Pioneer Canal	<p>W$\frac{1}{2}$SE$\frac{1}{4}$, Sec. 27; NW$\frac{1}{4}$NW$\frac{1}{4}$; N$\frac{1}{2}$NE$\frac{1}{4}$; S$\frac{1}{2}$NW$\frac{1}{4}$; NE$\frac{1}{4}$SW$\frac{1}{4}$; SE$\frac{1}{4}$, Sec. 34; T3S, R4W; SW$\frac{1}{4}$NW$\frac{1}{4}$; SE$\frac{1}{4}$ Sec. 26; SW$\frac{1}{4}$ Sec. 25; NW$\frac{1}{4}$NW$\frac{1}{4}$; SE$\frac{1}{4}$NW$\frac{1}{4}$; W$\frac{1}{2}$NE$\frac{1}{4}$; SE$\frac{1}{4}$NE$\frac{1}{4}$; N$\frac{1}{2}$SE$\frac{1}{4}$ Sec. 35; NW$\frac{1}{4}$; S$\frac{1}{2}$NE$\frac{1}{4}$; NE$\frac{1}{4}$ SW$\frac{1}{4}$; N$\frac{1}{2}$SE$\frac{1}{4}$, Sec. 36, T3S, R4W.</p> <p>NE$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 29; NW$\frac{1}{4}$; NE$\frac{1}{4}$SW$\frac{1}{4}$; SW$\frac{1}{4}$NE$\frac{1}{4}$; SE$\frac{1}{4}$NE$\frac{1}{4}$; SW$\frac{1}{4}$SE$\frac{1}{4}$; NE$\frac{1}{4}$SE$\frac{1}{4}$; SE$\frac{1}{4}$SE$\frac{1}{4}$, Sec. 28; SW$\frac{1}{4}$; SW$\frac{1}{4}$SE$\frac{1}{4}$, Sec. 27; NE$\frac{1}{4}$NW$\frac{1}{4}$; W$\frac{1}{2}$NE$\frac{1}{4}$; N$\frac{1}{2}$SE$\frac{1}{4}$; SE$\frac{1}{4}$SE$\frac{1}{4}$, Sec. 34; SW$\frac{1}{4}$; SW$\frac{1}{4}$NE$\frac{1}{4}$; NE$\frac{1}{4}$SE$\frac{1}{4}$; Sec. 35, T2S, R5W; E$\frac{1}{2}$NW$\frac{1}{4}$; NW$\frac{1}{4}$SE$\frac{1}{4}$, Sec. 2; S$\frac{1}{2}$NW$\frac{1}{4}$; N$\frac{1}{2}$SW$\frac{1}{4}$, Sec. 12, T3S, R5W.</p>

IT IS FURTHER STIPULATED that the water right evidenced by application No. 18043, filed by the United States of America for the Central Utah Reclamation Project shall be expressly made subordinate to the water rights evidenced by the foregoing applications. Also Application No. 9104 shall be so subordinated.

IT IS FURTHER STIPULATED that the priority date of all water rights listed above shall be November 19, 1964 at 11:00 a.m.

IT IS FURTHER STIPULATED that the maximum rate of flow to be diverted by the applicants above named shall be as shown on the tabulation marked Exhibit "A" and attached hereto and that each applicant listed may, at his option, divert his water at the rate set out in the column number four for the time shown in column number five or may, in the alternative, divert continuously at the rate indicated so long as water is available to serve the applicant's priority, however, the total diversion is limited to 4 acre feet per acre.

IT IS FURTHER STIPULATED that no application shall be filed by the persons above named, their successors or assigns for the change of place of use of water under said applications Nos. 28582, 28583, 28584, 28585, 28581, 28586, 28587, 31992 and 31043 from the lands described above to other lands and that the State Engineer will not in any manner approve or authorize any such change of place of use either temporarily or permanently unless the priority of the right sought to be changed is subordinated to applications Nos. 18043, 36638 and 36639.

IT IS FURTHER STIPULATED that the applications identified above with the rights to be awarded to Rocky Point Ditch Company were filed by individuals as follows: Application No. 28582 in the name of K. Poulson, Application No. 28583 in the name of J. Abbott, No. 28584 in the name of W. J. Merkley, No. 28585 in the name of V. Bromley, No. 28586 in the name of E. Munz, No. 28587 in the name of W. H. Seaton, and No. 31992 in the name of R. H. Halstead, and No. 28581 in the name of Lucius Swasey, and that Application 31043 was filed in the name of Pioneer Canal Company. Except as to the acreage provided for above to Rocky Point Ditch Company and Pioneer Canal Company, said applications may be dismissed, and no additional rights of any kind are to be awarded to any of the individuals named herein.

Dated this 4 day of August, 1971.

SKEEN AND SKEEN

APPROVED:

U. S. BUREAU OF RECLAMATION

By John W. Mueller
Regional Director
Acting

By E. Skeen
Attorneys for Plaintiffs, 536 East 4th South
Salt Lake City, Utah 84102

Dallin W. Jensen
Dallin W. Jensen, Attorney for Defendant
State Engineer, State Capitol Building
Salt Lake City, Utah 84114

Edward W. Jensen
Attorney for Intervenor, 351 South State
Street, Salt Lake City, Utah 84111

ORDER

On stipulation of the parties, and good cause appearing there-
for, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the
State Engineer of the State of Utah should be, and he is hereby
ORDERED to approve the applications, as amended in the manner set
out in the above stipulation, to provide water to the persons as named
in the above stipulation, subject to and in accordance with the terms of
the said stipulation.

Dated this 11th day of August, 1971.

BY THE COURT:

Maurice Harding
Judge

34343

FILED
IN THE DISTRICT COURT
DUCHESE COUNTY, STATE OF UTAH

NOV 15 1971

Cowan
By Don Herbert CLERK
DEPUTY

Recorded #15
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EXHIBIT A

DUCHESNE RIVER 5 CFS. FILINGS

Assume: 1 cfs. per 60 acres as a maximum flow rate.

NAME	APPLICATION NO.	AREA IN ACRES	RATE IN SEC. FT.	TIME	IF CONT. FL. IN SEC. FT.
(1)	(2)	(3)	(4)	(5)	(6)
186 Alfonso Defa	A-28493 <i>Hay Creek</i>	60	1	--	1
353 Joe Curry	A-28541 <i>Rh.C.</i>	12	1	12/60 or	1/5 0.2
312 Charles Fabrizio	A-28544 <i>Rh.C.</i>	30	1	30/60 "	1/2 0.5
332 Lloyd Roberts	A-30248 <i>F.C.C.</i>	215	3.58	--	3.58
336 Nick Defa	A-30248 <i>F.C.C.</i>	45	1	45/60 "	3/4 0.75
334 Leo S. Defa	A-30248 <i>F.C.C.</i>	4	1	4/60 "	1/15 0.067
335 Leo B. Defa	A-30248 <i>F.C.C.</i>	20	1	20/60 "	1/3 0.33
317 June Roberts <i>F.C.C.</i>	A-28597 <i>F.C.C.</i>	25	1	25/60 "	5/12 0.42
499 Clifford Roberts <i>Farm Creek</i>	A-28597 <i>F.C.C.</i>	25	1	25/60 "	5/12 0.42
161 Ralph Giles	A-32158 <i>F.C.C.</i>	7	1	7/60	0.12
288 Marvin Michie <i>Farm Creek Canal</i>	A-28530 <i>F.C.C.</i>	60	1	--	1.00
293 Ralph Giles	A-28534 <i>F.C.C.</i>	11	1	11/60	0.18
294 Wayne Jones	A-28534	60	1	--	1.00
297 Alfred Giles	A-28537 <i>Tab.C.</i>	20	1	20/60 "	1/3 0.33
295 Ferron Gines <i>Farm Creek</i>	A-28535 <i>F.C.C.</i>	11	1	11/60	0.18
296 Ferron Gines	A-28536 <i>F.C.C.</i>	11	1	11/60	0.18
George A. Giles	A-28536 <i>F.C.C.</i>	38	1	38/60 "	19/30 0.63
1809 William R. Williams	A-28491 <i>Williams Ditch</i>	11	1	11/60	0.18
1846 Pioneer Canal Co.	A-31043 <i>P.C.C.</i>	115.3	1.92	--	1.92
Rocky Pt. Ditch Co.	A-28581 Thru A-28587 A-31793 A-31992	607.6	10.01	--	10.01
1843 Phillip Moon	A-29161 <i>Da. Feed.C.</i>	42	1	42/60	0.70
847 Kenneth Clayburn	A-29165 <i>Da. Feed.C.</i>	64.9	1.08		1.08
1846 Joe Clayburn	A-29164 <i>Da. Feed.C.</i>	69.0	1.15		1.15
1845 Reed Clayburn	A-29163 <i>Da. Feed.C.</i>	105.0	1.75		1.75

27.677

1,668.8 acres at 4 af/ac. equals 6675 AF/180 days equals 37 AF/Day equals 18.5 cfs